



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,697	02/11/2004	Xiaoda Xiao		9195

7590 06/29/2005
XIAODA XIAO
135 Belchertown Road
Amherst, MA 01002

EXAMINER

KHATRI, PRANAV V

ART UNIT	PAPER NUMBER
----------	--------------

2872

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,697

Applicant(s)

XIAO, XIAODA

Examiner

Pranav V. Khatri

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

The claims are replete with vague, indefinite and/or unclear language. The claims should be revised carefully in order to avoid claim objections. Examples of some vague indefinite, and/or unclear language are as follows, because there are too numerous deficiencies in the claims to identify all, only claims 1-3 and 11 are addressed with deficiencies. However, applicant is requested to go over each and every claim to revise any deficiencies.

Regarding claim 1, the phrase "the ball joint" on lines 6 and 9 lacks proper antecedent basis for this limitation in the claim, and it is recommended to change it to "a ball joint". Furthermore, the phrase "the extension" on lines 6 and 7 lacks proper antecedent basis for this limitation in the claim, and it is recommended to change it to "an extension." Also, the word "conventional" on line 4 has no standard meaning, and is subjective. Applicant is requested to clarify vagueness of these terms.

Regarding claim 2, the phrase "an extension" on line 10 is not clear whether it is referring to "the extension" in claim 1, lines 6-7 or adding another extension as a claim limitation. The phrase "the separate base" on line 11 lacks proper antecedent basis for this limitation in the claim, and it is recommended to change it to "a separate base." Applicant is requested to clarify vagueness of these terms.

Regarding claim 3, the phrase "two ball joints" on line 12 lacks proper antecedent basis for this limitation in the claim, and it is not clear whether it is referring to "the ball

joint" in claim 1, line 6 or adding two different ball joints as a claim limitation. The phrases "said extension" on lines 12 –16 are not clear whether they're referring to "an extension" in claim 2, line 10, or "the extension" in claim 1 lines 6-7. Applicant is requested to clarify vagueness of these terms.

Regarding claim 11, the phrase "the pillar" on line 16 lacks proper antecedent basis for this limitation in the claim, and it is recommended to change it to "a pillar." The phrase "the window frames" on line 16-18 lacks proper antecedent basis for this limitation in the claim. Applicant is requested to clarify vagueness of these terms.

Claims 1, 3, 6-8, and 11 are objected to because of the following informalities: "can" and "may". It is recommended amending them to is or are, or an appropriate term. Appropriate correction is required.

Claims 1 and 2 are objected to because of the following informalities: there are no periods at the end of the claims. Appropriate correction is required.

Claim 7 is objected to as being an improper dependency because it is not clear which claim it is depending upon. Therefore, claim 7 will not be examined on the merit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLine (US Patent No. 6,540,193) in view of Stern (US Patent No.3,741,632).

Regarding claim 1, DeLine teaches a interior blind spot mirror comprising: a plastic mount (Col 12 Lines 48-52, Fig 10, Col 3 Lines 42-43, and Col 11 Lines 57-58) with a curving back to said mirror where in the mirror is a oval shape (Fig 1); a hole (Fig 11 Numeral 510b) in the center of the back of said plastic mount for installing the ball joint (514c) of the extension (514); a frictional board with a ball pit (Fig 8 Numeral 320, ball receiving socket) in the center is installed inside said plastic mount for adjusting the tightness of said ball joint of said mirror (Col 1 Lines 22 -24). DeLine does not explicitly state the mirror being constructed of shatterproof mirror glass or Plexiglas and is finished with antiglare coating.

However, Stern teaches a rearview mirror that is constructed of Plexiglas (see Stern Col 2 Lines 11-13) and is finished with antiglare coating (see Stern Col 2 Lines 62-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of DeLine's rearview mirror with the mirror of Stern for the purpose of reducing unwanted glare and increasing the viewing area.

Regarding claim 2, as a combination of DeLine in view of Stern discloses an extension (see DeLine Fig 11 Numeral 514) which serves as a bridge between said mirror (510) and separate base (516).

Regarding claim 3, as a combination of DeLine in view of Stern discloses two ball joints (see DeLine Fig 11 Numeral 514b and 514c) installed on either end of said extension (514) so that said mirror can be flexibly adjusted; a ball joint box (516b) built on the bottom of said extension (514) is connected with said separate base (516), while another ball (514c) is set on the top of said extension (510b) where said extension (514) is connected to said mirror (510).

Regarding claim 4, as a combination of DeLine in view of Stern discloses wherein said separate base comprises a mounting box (516b) with a U-shaped top (516c) for the bottom of said ball joint box to be slidably affixed into said separate base.

Regarding claim 5 and 6, as a combination of DeLine in view of Stern discloses a soft pad (see DeLine Fig 2, 16a), 16a is a soft pad because it can be molded by heat or another method to fit different shapes, for different mounts, further comprises a double stick foam adhesive (Col 4 Lines 48-51) to the bottom of said soft pad, and adhesive is interpreted as a double stick foam adhesive.

Regarding claim 8, as a combination of DeLine in view of Stern discloses a mounting box (Fig 9 Numeral 416) which features with cut-in edges (416b) on its major axis so that said mount box (416) can be mounted on said protuberant central piece of said soft base (16).

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLine in view of Stern, and in further view of Cohen (US Patent No 4,614,412) discloses.

Regarding claim 9, DeLine in view of Stern discloses the claimed invention as set forth above. DeLine in view of Stern lacks the teaching of four screws.

However, Cohen teaches four screws in two different embodiments (see Cohen Fig 6 Numeral 92 and 88 with Col 5 Lines 59-63, and Fig 7 Numerals 152 and 154 with Col 7 Lines 24- 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of DeLine in view of Stern to include four screws of Cohen because the screws would allow the ball joints and the arm to be secured to the mounts for firm fit or further adjustment.

Regarding claim 10, DeLine in view of Stern, and in further view of Cohen discloses two base boards (see DeLine Numeral 510 and 516) each having a ball pit in the center (516c and 510b) and two holes in either side (see Cohen Fig 6 Numeral 93 and 89, and Fig 7 Numeral 156 with Col 7 Lines 26) of said ball pit.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLine in view of Stern, and in further view of Manzoni (US Patent No. 4,558,840).

Regarding claim 11, DeLine in view of Stern discloses the claimed invention as set forth above. DeLine in view of Stern does not explicitly state the mirror can be mounted on the pillar of the window frames in the front of a vehicle, and mounted on either side of the window frames of a vehicle.


However, Manzoni teaches the mirror can be mounted on the pillar of the window frames in the front of a vehicle, and mounted on either side of the window frames of a vehicle (see Manzoni Fig 1, Col1 Lines 45-46 and 66-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to mount the mirror to an appropriate frame or support member for the purpose of increasing the viewing angle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pranav V. Khatri whose telephone number is 571-272-8311. The examiner can normally be reached on M-F, 8:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pranav Khatri
Examiner
Art Unit 2872


EUNCHAR P. CHERRY
PRIMARY EXAMINER